

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 05-14-03. Date of service 05-13-02 was untimely submitted per Rule 133.308(e)(1).

The Medical Review Division has reviewed the IRO decision and determined that **the requestor prevailed** on the issues of medical necessity. Therefore, upon receipt of this Order and in accordance with §133.308(r)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$460.00** for the paid IRO fee. For the purposes of determining compliance with the order, the Commission will add 20 days to the date the order was deemed received as outlined on page one of this order.

In accordance with §413.031(e), it is a defense for the carrier if the carrier timely complies with the IRO decision.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was the only issue** to be resolved. The therapeutic procedures, therapeutic exercises, neuromuscular re-education and myofascial release were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Order is applicable to dates of service 05-14-02 through 05-21-02 in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

This Order is hereby issued this 23<sup>rd</sup> day of June 2004.

Debra L. Hewitt  
Medical Dispute Resolution Officer  
Medical Review Division

DLH/dlh

June 22, 2004

David Martinez  
TWCC Medical Dispute Resolution  
4000 IH 35 South, MS 48  
Austin, TX 78704

Patient: \_\_\_\_\_  
TWCC #: \_\_\_\_\_  
MDR Tracking #: M5-04-2278-01  
IRO #: 5251

Ziroc has been certified by the Texas Department of Insurance as an Independent Review Organization. The Texas Worker's Compensation Commission has assigned this case to Ziroc for independent review in accordance with TWCC Rule 133.308 which allows for medical dispute resolution by an IRO.

Ziroc has performed an independent review of the care rendered to determine if the adverse determination was appropriate. In performing this review, all relevant medical records and documentation utilized to make the adverse determination, along with any documentation and written information submitted, was reviewed.

The independent review was performed by a matched peer with the treating doctor. This case was reviewed by a licensed Doctor of Chiropractic. The reviewer is on the TWCC Approved Doctor List (ADL). The Ziroc health care professional has signed a certification statement stating that no known conflicts of interest exist between the reviewer and any of the treating doctors or providers or any of the doctors or providers who reviewed the case for a determination prior to the referral to Ziroc for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to the dispute.

#### CLINICAL HISTORY

This patient was injured on the job as a bus driver for \_\_\_\_ when her bus was struck by a taxi cab while she was standing on the passenger side of the bus. She was knocked into the door of the bus. She had an immediate onset of pain in the knee on the left and had numbness and tingling down to the foot. She was initially taken to the ER of \_\_\_\_ and released. She sought care for Dr. V, who attempted physical therapy for the initial resolution of the problem. PT proved to be unsuccessful and MRI demonstrated a tear of the medial meniscus of the left knee. The patient underwent surgical intervention through arthroscopy on April 18, 2002. After the surgery was performed, PT was again prescribed to strengthen the left lower extremity.

#### DISPUTED SERVICES

The carrier has denied the medical necessity of therapeutic procedures, therapeutic exercises, neuromuscular re-education and myofascial release as medically unnecessary from May 14, 2002 through May 21, 2002.

## DECISION

The reviewer disagrees with the prior adverse determination.

## BASIS FOR THE DECISION

The records on this case indicate that the patient was undergoing rehabilitation from the surgical procedure performed under the direction of the treating provider in this case. It is clear that the treatment rendered was strengthening the patient's knee and that the treatment was helping the patient return to a productive workplace environment. The care rendered was conservative in nature and the documentation indicates that the patient responded to the PT with good effort. The carrier failed to provide a rationale for disputing these services and no peer review was presented for review to the IRO. Due to the overwhelming indication that the care rendered was reasonable and necessary, the reviewer disagrees with the carrier's assessment on this case.

Ziroc has performed an independent review solely to determine the medical necessity of the health services that are the subject of the review. Ziroc has made no determinations regarding benefits available under the injured employee's policy

As an officer of ZRC Services, Inc, dba Ziroc, I certify that there is no known conflict between the reviewer, Ziroc and/or any officer/employee of the IRO with any person or entity that is a party to the dispute.

Ziroc is forwarding this finding by US Postal Service to the TWCC.

Sincerely,